

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO.154 OF 2021**

Sunita Mahadeo Jadhav alias Sunita Mahadev

Jadhav alias Sunita Tulshiram Avhad

... Deceased

Amol Tulshiram Avhad

... Petitioner

Mr. Subhash S. Khade for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 24TH MARCH 2023

P.C. :

1. The Petitioner seeks the grant of a Legal Heirship Certificate under the provisions of Section 2 of the Bombay Regulation VIII of 1827 in respect of one Sunita Mahadev Jadhav alias Sunita Tulshiram Avhad ('the deceased'), who died at Mumbai on 04/09/2014. A copy of the death certificate is annexed to the Miscellaneous Petition. It is stated that despite due and diligent search, no Will of the deceased has been found. It is therefore assumed that the deceased died intestate.

2. The persons mentioned in the table in Paragraph 4 are the only legal heirs and next of kin of the deceased according to the Hindu Succession Act, 1956, by which the deceased was governed at the time of her death.

3. The reason, for which the Legal Heirship Certificate is required, is set out in paragraphs 7 and 8 of the Miscellaneous Petition.

4. The requisite consent affidavits of other legal heirs of the deceased are annexed to the Petition.

5. No other Petition for Legal Heirship Certificate, Succession Certificate, Probate or Letters of Administration with or without Will annexed has been filed. Therefore, there is no impediment in law to the grant of relief.

6. I have heard learned Counsel appearing on behalf of the Petitioner as well as perused the said Petition. I find that the same is in order and deserves to be allowed in the interest of justice.

7. The Miscellaneous Petition is therefore allowed in terms of prayer clause (a), which reads as under :-

“ a) This Hon’ble Court be pleased to issue a Legal Heirship Certificate to the petitioner under the provisions of Bombay Regulation VIII of 1827 certifying that the petitioner along with heirs mentioned in para No.4 herein above are the only heirs and legal representatives of the deceased.”

8. The Registry shall issue the Legal Heirship Certificate in the standard format prescribed for the same.
9. In view of the consents given by all the legal heirs of the deceased, issuance of Proclamation is dispensed with.
10. The Miscellaneous Petition is accordingly disposed of. There shall be no order as to costs.

(ARIF S. DOCTOR, J.)